

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-1-00
BILL NO. SB 396
OR
SUBJECT Tribal Court venue

SHELLEY HAGAN
(NAME)
149 E. WILSON
(Street Address or Route Number)
MADISON, WI
(City and Zip Code)
WI DEPT. OF CORRECTIONS
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-1-00
BILL NO. SB 396
OR
SUBJECT _____

John Wilhelm
(NAME)
W4511 Town Like Rd
(Street Address or Route Number)
BANDER, WI 54107
(City and Zip Code)
Menominee Tribe
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-1-00
BILL NO. SB-396
OR
SUBJECT _____

JOE STROHL
(NAME)
44 E. Miffin
(Street Address or Route Number)
MADISON 53703
(City and Zip Code)
Menominee Indian Tribe
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
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P.O.Box 7882
Madison, WI 53707-7882

Vote Record

Senate Committee on Insurance, Tourism, Transportation and Corrections

Date: _____
 Moved by: Grobs Seconded by: Zien
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: 396 Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Sub Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member

Sen. Roger Breske, Chair
 Sen. Richard Grobschmidt
 Sen. Jim Baumgart
 Sen. Kevin Shibilski
 Sen. Dale Schultz
 Sen. Alan Lasee
 Sen. David Zien

Aye	No	Absent	Not Voting
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

**Testimony to Senate Committee on Insurance, Tourism,
Transportation and Corrections
March 1, 2000 – State Capitol**

I am appearing before you today for information only. As the staff person in the Department of Corrections who oversees the Department's agreement with the Menominee Tribe for juvenile correctional services, as well as the policy analyst for the Youth Aids grant program, I would like to offer some background on how the Agreement works and is funded. The Department is not advancing either support or opposition for SB 396.

As we understand it, SB 396 applies to a small number of youth who have been adjudicated delinquent by the Menominee Tribal Court and placed in a State juvenile correctional institution under an agreement between the Tribe and the Department of Corrections. If a youth covered by the agreement is under State correctional supervision and allegedly commits a new delinquent act, the bill permits the circuit court to transfer jurisdiction in the case to the Tribal court for prosecution and disposition.

I'd like to give you a little background on the "agreement" referenced in the bill. The Department of Corrections has a Memorandum of Agreement with the Menominee Tribe that allows Tribal youth to be placed in State juvenile correctional institutions by the Tribal court without the Tribe turning over custody of its youth to the Department. You will recall that Wisconsin law used to require that the Department take legal custody of youth sent by the courts for correctional placement. The Agreement was necessary because the Tribe, by federal law, cannot relinquish custody of Tribal youth. Annually since 1981, first the Department of Health and Social Services and now the Department of Corrections have renewed the Agreement with the Menominee Tribe so that the Tribal court could place youth at Lincoln Hills School and other State juvenile facilities.

The Agreement also covers funding for State correctional services ordered by the Tribal court. In 1981 when the Youth Aids program went into effect, the State, the county and the Tribe decided that the total Youth Aids funds available for Menominee County would be assigned to the county agency, with no separate funding for the Tribe. The county and Tribe

were to decide on an "allocation" of Youth Aids that would be set aside to fund Tribal court juvenile correctional institution placements. So, the State-Tribe Agreement specifies that the correctional placement costs of Menominee youth placed in State facilities by the Tribal court are charged to Menominee County's Youth Aids allocation. And, in fact, the county funds a range of delinquency-related services to Tribal youth through its Youth Aids allocation, in addition to the State services covered by the Agreement.

Shelley Hagan
Policy and Grants Coordinator
Division of Juvenile Corrections, WI-DOC
608-266-5820
shelley.hagan@doc.state.wi.us

Further background on Youth Aids:

Youth Aids was implemented statewide in Wisconsin in 1981. Under Youth Aids, counties were given the responsibility to pay for State juvenile correctional institution and aftercare services, which previously had been funded directly out of the State treasury. Each county was allocated a portion of the State Youth Aids GPR, based on a three-factor formula: the county's youth population in 1978; its average yearly Part I juvenile arrests during 1975-78; and its juvenile correctional institution placements in 1975-78. Counties were able to use Youth Aids funds to pay both for correctional services, and to establish and support a continuum of local delinquency and early intervention services.

In calculating the numbers for the Youth Aids formula, Native American youth living on reservations were included in the figures for the county in which their reservations were located, in the expectation that Youth Aids funding would be assigned only to counties. It was thought that counties and Tribes would have more incentive to work together to establish community-based juvenile delinquency services if the Youth Aids funding was not split between the two entities. This practice of allocating Youth Aids only to counties has continued to this day.

Menominee County's Youth Aids allocation in CY 1999 was \$515,871.